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GOVERNMENT OF TRAVANCORE-COCHIN

# GAZETTE EXTRAORDINARY

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### NOTIFICATION.

No. LA.4-149|55. *5th February 1955.*

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the *Travancore-Cochin* Legislative Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
*Secretary, Legislative Assembly.*

# THE STAY OF EVICTION OF KUDIKIDAPPUKARS AND TENANTS BILL

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A BILL TO PROVIDE FOR THE STAY OF EVICTION OF KUDIKIDAPPUKARS AND FOR THE EXTENSION OF THE STAY OF EVICTION TO CERTAIN OTHER CLASSES OF TENANTS.

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**Preamble.** Whereas it is expedient to provide for the stay of eviction of Kudikidappukars and fer the extension of the stay of eviction to certain other classes of tenants;

Be it enacted in the Sixth Year of the Republic of India, as follows:—

1. **Short title, extent and commencement.** (1) This Act may be called the Stay of Eviction of Kudikidappukars and Tenants Act, 1955.

(2) It extends to the whole of Travancore and also to the enclaves which formed part of the Thirunelveli District and which have beeu absorbed in the State of Travancore-Cochin.

(3) It shall come into force at once and shall remain in force for a period of six months.

2. **Stay of suits etc., for eviction of Kudikidappukars.** Notwithstanding anything contained in Sections 3, 7 and 12 of the Travancore Prevention of Eviction Act, 1124 (Act XXII of 1124) or in any other law for the time being in force, no suit for the eviction of a Kudikidappukaran from his Kudiyiruppu shall be instituted, and all suits and appeals, reviews, revisions, decrees and applications in execution in respect of such suits seeking eviction of Kudikidappukars which are pending in courts shall, so far as they relate to the prayer for eviction, be stayed.

Explanation:— In this section the expressions "Kudikidappukaran" and "Kudiyiruppu" shall have the meanings respectively assigned to them in the Travancore Prevention of Eviction Act, 1124 (Act XXII of 1124).

3. **Amendment of Section 2, Act VIII of 1950.** During the continuance in force of this Act, the Holdings (Stay of Execution Proceedings) Act, 1950 (Act VIII of 1950) shall have effect as if for the definition of the expression "holding"

in Section 2 of that Act, the following definition were substituted, namely:—

" 'Holding' means any immovable property held under a single transaction by which a lease-hold right in the property is created and possession of the property is transferred by one person in favour of another.

Explanation:— Holding shall also include kanapattom, and any other demise of immovable property by whatever name called with the following incidents, namely:—

(a) renewal on the expiry of any specified period; and

(b) payment of customary dues;

but shall not include varam or pathivaram."

## STATEMENT OF OBJECTS AND REASONS.

Section 7 of the Prevention of Eviction Act, 1124 specifies certain grounds on which Kudikidappukars may be evicted. Under Section 12 of that Act, a Kudikidappukaran who has not registered himself within the time allowed shall forfeit all his rights under the Act. According to Section 3 of the Act, the provisions thereof are not applicable to Kudikidappukars of certain classes of lands. Representations have been received to the effect that a number of Kudikidappukars are being evicted on some ground or other. Government consider that, pending the passage of Land Reform Bills now before the Legislative Assembly, eviction of Kudikidappukars on any ground should be prohibited, and that for that purpose suits, applications etc., praying for eviction should be stayed.

Under the Holdings (Stay of Execution Proceedings) Act, 1950, proceedings in execution of decrees for the recovery of possession of holdings have been stayed. Representations have been made urging that the benefits of the Holdings (Stay of Execution Proceedings) Act do not extend to certain demises of immovable property having the incidents of a lease but not strictly coming within the scope of the definition of the expression "holding" contained in that Act. It is considered that, pending passage of the Land Reform Bills, the benefit of the stay should be extended to the above mentioned classes of demises also and that the scope of the definition of the expression "holding" should be widened.

The Bill seeks to give effect to the above objects.

P. S. NATARAJA PILLAI.